

Robert S Simon
Attorney at Law
OSB 90120/ WSB 20382/CASB 187823
PO Box 820035
Portland, Oregon
97282-1035
(503)-577-3946
(503)-417-8766
Robert@RSSimonlaw.com

RECD 10 FEB 16 16:25 USDC-ORP

FILED 10 FEB 17 14:09 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
(Portland)**

JOHN CARUGHI,

Plaintiff(s),

vs.

THE MONEY MARKET, an
assumed business name of WOO
SHIN (PETER) LIM, and
BEAVERTON PAWN, INC., an
Oregon corporation.

Defendant(s).

6V-10-0175-BR

ORDER

**TEMPORARY RESTRAINING
ORDER AND ORDER TO
SHOW CAUSE**

THIS CASE: This matter has come before the court on the exparte Motion for a Temporary Restraining Order and Order to Show Cause of the Plaintiff John Carughi, by and through attorney Robert S Simon of The Robert S Simon Law Firm.

Based on the record, including the complaint, declaration of John Carughi, and the memorandum of law the court finds as follows:

1. If defendants are not immediately restrained from effecting the transfer, alienation, or loss of custody and control of the firearms (described below) without an order authorizing

same issued by this court, plaintiff will suffer immediate and irreparable injury, loss, or damage in the form of a sale or transfers.

2. Such a sale or transfer will cause immediate and irreparable injury to plaintiff in the form of the loss of one or more rare and distinctive antique firearms dated primarily from the American Civil War period which were part of an inheritance from his father.
3. The injury to plaintiff is irreparable because the loss to a bona fide purchaser for value would preclude the plaintiff from recovering what he reasonably believes to be irreplaceable firearms.
4. Plaintiff has no adequate remedy at law.
5. Plaintiff's lawyer made reasonable efforts to notify defendants of the motion, as follows: by providing copies of the summons, complaint, Motion, supporting documents, and form of Order to the defendants by facsimile on February 16, 2010 as set forth by the representation of counsel in the Motion herein.
6. The plaintiff has articulated a reasonable fear that the defendants could dispose of the firearms in an expedient fashion, thus rendering the claim for Replevin set forth in the Complaint moot, and forever preventing the plaintiff from recovering the firearms.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

Defendant, THE MONEY MARKET and BEAVERTOWN PAWN INC., and its officers, agents, servants, employees, and lawyers, and all other persons in active concert or participation with any of them who receive actual notice of this order, by personal service or otherwise, are directed not to and are immediately restrained from effecting the transfer, alienation, or loss of custody and control of the firearms (described below) without an order authorizing same issued by this court.

- | | |
|--|---|
| <p>A. 1805 Harper's Ferry; 1p dated 1808; OF</p> <p>B. 1843 Ames; USN</p> <p>C. US Army signal pistol</p> <p>D. pr. Italian fl pistols; bbl mkd Lazarino, locks mkd Geronomino Zucolo; circa 1685; of</p> <p>E. pr. fl Queen Anne pistols; silver mounted; by J. Harmon; OF</p> <p>F. 1855 Colt revolving rifle marked US w/ spur tag</p> <p>G. British volley gun; 1st model;</p> <p>H. Sharps carbine; Texas ranger marked</p> <p>I. Dance Bros. #247</p> <p>J. 1808 North; eagle only on 1p; RC;</p> <p>K. 1808 North conversion; RC</p> <p>L. 1860 Colt Army, US issue</p> <p>M. Sharps 4 barrel derringer with carved ivory grips</p> <p>N. 1811 North; RC</p> <p>O. 1816 North; RC</p> <p>P. 1836 Johnson Conversion</p> <p>Q. 1843 Ames; USR</p> <p>R. US Navy signal pistol</p> <p>S. Whitney Navy</p> <p>T. 1st Model LeMat</p> <p>U. 2nd Model LeMat</p> <p>V. Transition model LeMat</p> <p>W. Metropolitan Navy revolver</p> <p>X. 1860 Colt Army engraved w/ checkered ivory grips</p> <p>Y. 1860 Colt Army conv</p> <p>Z. 1862 Colt; London model; small fluted cylinder</p> <p>AA. 1851 Colt Navy; NY address w/ iron bs & tg</p> <p>BB. 1861 Colt Navy</p> <p>CC. 1851 Colt Navy w/ sm iron tg & bs 2,750.00</p> <p>DD. 1851 Colt Navy; 3rd model</p> <p>EE. Colt 2nd model dragoon</p> <p>FF. Model 1780 British light dragoon</p> <p>GG. Silver mounted pistol; mkd Pistoia</p> <p>HH. Silver mounted ft pistol by Bumford; OF</p> | <p>II. 1851 Colt Navy engraved; ivory grips</p> <p>JJ. Colt Walker</p> <p>KK. Griswold revolver</p> <p>LL. Cased pr. fl Andres Kuchenreuter dueling pistols; OF; pr fl brass Queen Anne box lock pistols; silver wire inlaid;</p> <p>MM. Tranter revolver; mkd Hyde & Goodrich;</p> <p>NN. Kerr revolver</p> <p>OO. Cased pr silver mtd fl dueling pistols; conv. to perc.; by Christoph Kuchenreuter</p> <p>PP. Dolne Apache knuckle duster;</p> <p>QQ. 1850 Staff & field officer: presentation</p> |
|--|---|

IT IS FURTHER ORDERED:

Defendant shall appear before this court on 3/2/2010 at 1:30 pm in Room 4A, United States federal courthouse, 1000 SW Third Ave, Portland, OR 97204, and show cause, if any there be, why the activity described above should not continue to be restrained during the pendency of this action.

This order shall expire at the date and time stated in the preceding paragraph, unless extended by further order of this court.

This order shall be effective only upon the posting of a qualified bond or other security in conformance with FRCP 65(c) in the sum of \$ 0.

DONE AND ORDERED in chambers at Portland, Oregon

DATED: 17 FEB., 2010.

TIME: 1:51 . a.m./p.m. (p.m.)

/s/ MW McFune
Judge

PREPARED BY:

Robert S Simon
OSB 90120/ WSB 20382/CASB 187823
for **The Robert S Simon Law Firm**
Attorneys for Plaintiff John Carughi